RAJYA SABHA

riilay, the 25th March, 1988/5 *Chaitra* 1910 *(Saka)*

The House met at eleven of the clock, Mr. Chairman in the Chair.

ORAL ANSWERS TO QUESTIONS

चीनी उद्योग के लिए वेतन बोर्ड की स्थापना

*441. श्री कैलाश पति मिश्र : क्या श्रम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने चीनी उद्योग में मजदूरों के वेतन की पुनरीक्षा करने के लिए कोई वेतन बोर्ड गठित किया था :

(ख) क्या सरकार ने राज्यों में गठित चीनी निगमों के कर्मचारियों के वेतन की पुनरीक्षा के लिए कोई निर्देश जारी किये थे ; और

(ग) यदि उपरोक्त भाग (क) और (ख) का उत्तर "हां" हो, तो इस संबंध में ब्यौरा क्या है ?

श्रम मंत्रालय में उप मंत्री (श्री राधाकिशन मालवीय) : (क) जी, हां।

(ख) जी, नहीं ।

(ग) एक विवरण सभा पटल पर रख दिया गया है ।

विवरण

भारत सरकार ने दिनांक 17 जुलाई, 1985 के संकल्प संख्या वी–14030/1/85–डब्ल्यू.बी. द्वारा चीनी उद्योग के लिये तीसरा मजदूरी बोर्ड (जिसे इसके पश्चात् बोर्ड कहा जाय) गठित किया। संकल्प के संगत उद्धरण निम्न अनुसार हैं :—

"संख्या–वी–24030/1/85–डब्ल्यू. बी. : भारत सरकार ने चीनी उद्योग के वर्तमान मजदूरी ढांचे में और संशोधन करने के सवाल पर विचार करने के लिये चीनी उद्योग के लिये तीसरा मजदूरी बोर्ड अपनी सिफारिशें करते समय निम्नलिखित को ध्यान में रखेगा:—

1. कर्मचारियों के प्रवर्गों (मैनुअल, लिपिकीय, परवेक्षी, आदि) का निश्चय करना जिन्हें प्रस्तावित मजदूरी निर्धारण के सीमा क्षेत्र में लाया जाना चाहिये ।

2. उचित मजदूरी समिति की रिपोर्ट में यथा निर्धारित उचित मजदूरी के सिद्धांतों के आधार पर मजदूरी ढांचा तैयार करना (इसमें उद्योग की भुगतान क्षमता भी शामिल है) ।

स्पष्टीकरण

मजदूरी ढांचा तैयार करते समय, मजदूरी बोर्ड उचित मजदूरी से संबंधित सिद्धांतों के अलावा निम्नलिखित को भी ध्यान में रखेगा:—

(1) विकासशील अर्थव्यवस्था में इस उद्योग की आवश्यकतायें ।

(2) इस उद्योग की विशेषतायें जिनमें निर्यात से संबंधित पहलू भी शामिल है ।

(3) सामाजिक न्याय के आवश्यक तत्व ।

(4) मजदूरी भिन्नताओं को ऐसी रीति से समंजित करने की आवश्यकता जिससे कर्मचारियों को अपना कौशल बढ़ाने की प्रेरणा मिले ।

(5) उत्पादकता को मजदूरी से संबद्ध करने की संभाव्यता ।

(6) कार्य के अनुरूप अदायगी की पद्धति लागू करने की वांछनीयता । स्पष्टीकरण :—कार्य के अनुरूप अदायगी की पद्धति लागू करते समय बोर्ड न्यनतम (जीवन निर्वाह) मजदूरी निर्धारित करने की ओर अति श्रम तथा अनुचित गति से काम करवाने से बचाने से आवश्यकता को ध्यान में रखेगा ।

श्री कैलाश पति मिश्र : सभापति महोदय जो सरकार ने स्टेटमेंट रखी है उसमें है कि 17 जुलाई, 1985 को दूसरे वेज बोर्ड की घोषणा की गयी है। वेज बोर्ड में जिन लोगों को रखा गया है उसमें हाई कोर्ट के रिटायर्ड जज, अवकाश प्राप्त जज जो शायद राम नाम सत्य होने तक इस प्रयत्न में लगे रहेंगे कि सत्ता में कोई न कोई गवर्नमेंट असाइनमेंट मिलती रहे और फिर दो मिल मालिकों के प्रतिनिधि और मात्र दो श्रमिक कर्मचारियों के प्रतिनिधि हैं। सरकार का प्रतिनिधि इसमें कहीं खोजने से भी नहीं दिखाई देता और लेबर डिपार्टमेंट का भी कोई प्रतिनिधि इसमें नहीं है। इसके बाद यह है कि जो कार्य सीमा इस वेज बोर्ड की तय की गयी है मैं वह थोड़ा सा पढ़कर सुना देना चाहता हूं :

'To determine the categories of employees (manual, clerical, supervisory, etc.) who should be brought within the scope of the proposed wage fixation. "

सरकार से मैं यह जानना चाहता हूं कि तीन वर्ष लगभग इसे बने हो गये हैं फिर क्यों इसकी अनुशंसा सामने नहीं आयी। जो पहले के दो वेज बोर्ड बन चुके हैं उसमें जो कार्य सीमा तय की थी और तीसरे, वेज बोर्ड की जो कार्य सीमा तय की है टर्म्स आफ रिफरेंस तय किया है इन दोनों में क्या अन्तर है यह मैं जानना चाहता हूं कि मैं यह भी जानना चाहता हूं कि जो अनुशंसा होगी वह निजी शुगर फैक्टरियों के कर्मचारियों पर ही लागू होगी या कारपोरेशन के अन्तर्गत जो शुगर फैक्टरियों काम कर रही हैं उन पर भी लाग होगी? इसी के साथ तीसरा प्रश्न है कि पहले और दूसरे वेज बोर्ड की जितनी अनुशंसायें हैं क्या भारत के सब राज्यों में, सब कारखानों में समान रूप से लाग हुई है?

THE MINISTER OF STATE OP THE MINISTRY OF LABOUR (SHRI JAGDISH TYTLER); Sir, I would like to inform the hon. Member that as much as he has shown his concern for the Wage Board which has been sitting for so long and not coming to any conclusion, I am myself worried and this is one of the things which we had taken up also that if a Wage Board has been constituted for a particular purpose, if; should finish its work within a specific set time. That is one of the reasons why as soon as we took over, my officers of my Ministry made sure that a date should be fixed when the final report comes. I would like to inform the hon. Member that October, 1988, is the last date we have given and we hope that with our pressures and if we are to follow it up, they will be able to present the report by then.

As far as Wage Boards' recommen dations of 1986 and 1987 are concern- ' ed, no doubt the basic aim—and this covers the third part of his question—is that every employer, may it be a Government factory, may it be a Corporation, will be covered under this Wage Board's recommendations. Now an interim report of the Wage Board was given on 23-7-87 and the Wage Board recommendations were given in 1986. I have full details with me. I can place it on the Table of the. House, otherwise I can read it out just now, whichever way you want.

MR. CHAIRMAN: You need not read it.

श्री कैलाश पति मिश्र : सभापति महोदय, मेरे हाथ में वेज बोर्ड के संबंध में जो स्टेटमेंट है इसमें लिखा हुआ है कि 17 जुलाई, 1985 को इसका गठन हुआ। पहले तो मेरी समझ में यह नहीं आ रहा है कि सन 1986 में अनुशंसा आ गई, 1987 में अनुशंसा आ गई, इसका क्या अर्थ है? मैं मंत्री महोदय से फिर आग्रह करूंगा कि वे इसको एक्सप्लेन करें। दूसरा सीधा-सा सवाल मैं सरकार से यह पूछना चाहता हूं कि क्या सरकार यह नीति निर्धारित करने के लिये तैयार है कि चाह कोई कमीशन हो, चाहे कोई वेज बोर्ड हो, उनमें अवकाश प्राप्त जजों की बहाली नहीं की जायेगी और

सिर्फ कार्यरत जजों की बहाली होगी क्योंकि उनको इस बात की चिंता रहती है कि जल्दी से जल्दी उनके सेवा काल में ही काम पूरा हो जाय ? क्या आप इस नीति को स्वीकार करने के लिये तैयार है ?

SHRI JAGDISH TYTLER: As far as the first part of your question is *concerned, I* have said that I have got all the details. It takes some ti-ne for me to read it. I can lay the papers on the table. If you want me to read it, it will take time.

As far as the second part of the question is concerned, my first sentence was this, that I am equally con-i cerned that we should not delay the benefit which is supposed to be given to the workers.

As far as the recommendation that retired Judges should not be associated with the-Commission is concerned, I can refer this to the Government. The Government can take a decision, and we will do that.

SHRI RAOOF VALIULLAH: Sir, the statement referred to by the Minister is most ambiguous and is being repeated again and again in this House. This question and this issue has been raised for the last two years, and still the same reply comes.

It is strange that the Third Wage Board which was set up in 1985 July, has still not submitted its report, and the poor sugar industry workers are suffering. The Minister has been constantly—if not he, the previous Minister—misleading the House that it . would be done in a short time. Therefore, Sir, 1 want a categorical reply from the hon. Minister on the reasons for this inordinate delay in submitting the report. Sir, when will the final report be ready?, He said, "October 1988". Why was the time not fixed initially when the Wage Board was constituted?

SHRI JAGDISH TYTLER: Sir. 1 would like to inform the hon. Member that there are some other things which I would say now, and I will make sure that they are implemented. There are many reasons for the delay. The First Wage Boaro. took three years. The Second Wage Board submitted its report after four years, three months. And the present Wage Board was set up in 1985 and is still to give its report.

I would like to inform you, Sir, first *it* was extended from 1-8-86 to 31-3-87. At that time it was extended because the sugar industry and the various labour organisations had not completed the questions which were sent to them. Then it was again extended from 1-4-87 to 31-7-87. At that time most of the sugar mills and labour organisations had asked' for extension of time for submitting again their answers. The third time it wag again extended from 1-8-87 to 31-3-88. At that time it was due *to* non-cooperative attitude of the workers), it was told to us, as they refused to attend the oral hearing also. But this time we have asked the Chairman of the Commission that the last extension we were giving him till the 10th of October, 1988 and that at that time the report should be submitted. I will make sure that every possible follow-up is done. We hope that we will come to the House and give it. When is the report going to be ready? That is what the hon. Member asked. As I said, I can give you the details. T have asked in detail about the report, when it is going to be ready.

About completion of the oral hearing, becausie this is a very important matter, it has been going on for so long. I think the House deserve to know exactly what we have asked them and what is going to happen. The completion of the oral hearing is going to be made in May, 1988. Completion of the report on the nomenclature is in May, 1988. Processing of the financial and economic data to work out alternative wage structure is in June, 1988. The decision on important matter to finalise the recommendation is in September, 1988. And

ne date for the preparation of the final draft of the report is September-October, 1988.

MR. CHAIRMAN: It will be ready at least by 31st October.

SHRI JAGDISH TYTLER: Yes, Sir.

SHRI RAOOF VALIULLAH: How many times has the Government given assurance on this aspect?

SHRI JAGDISH TYTLER: When the hon. Member asked why the extension was given, I just read out the reasons. We hope there will be no need for further extension, and we hope to bring the final draft report in October. 1988.

SHRI A. G. KULKARNI: I would like to have information from the hon. Minister on two points. One is abut the Wage Board, the point which has been discussed and the Minister has promised to introduce the Report by October. But what I want to know is about the broad recommendations of the interim report of 27-3-1987. I would like to know if you have anything to share in this House about how those recommendations will be implemented.

Second, in reply to part (c> of the question in the statement given you have stated "to determine the categories of employees, who should be brought within the scope of the proposed wage fixation. " I want to know from you specifically about one thing. In the sugar factory whether it is a cooperative or a private sector there are cart-men who cut the sugarcanes and bring it to the sugar factory within a radius of ten to fifteen miles. These are very unorganised and poor people coming from the backward areas having no unions. They require protection of the law. I would like to know whether you have referred their matter to the Wage Board. If not, will you refer their case to the Wage Board, because this is the most vulnerable section of the society. They are driving the carts day and night. They work in the field, I would like to know whether any protection can be given to them.

SHRI JAGDISH TYTLER: Yes, Sir. The recommendations of this Wage Board would also be applicable to those people who are working in the sugar mills in whatever capacity.

The hon. Member sought information about the Wage Board Interim report of 27-3-1987. I would like to say it has given its recommendations,. on 26-3*1987. This was regarding the revision of interim relief which was not unfortunately unanimous, because two of the Members of the Boaru had not concurred with it. It had given certain decisions. But 1 would like to inform the hon. Member that in the Wage Board recommendation of 1956 there were four points which came out very clearly—what are the benefits, what are the recommendations and what are we going to pay to the industrial labourers 'who are working in the factories. The workers covered by the Second Wage Board will be eligible and they will be paid the interim relief. The workers reaching the maximum of the grade shall continue to earn the annual increment in the existing time scales till the submission of the final report. So, they will go on getting the benefit. The workers who had reached the maximum of the scale one year or more before the 1st January 1986, shall also be entitled to the next increment in the existing scales i. e. from 1st January, 1986.

Fourthly, the workers shall be paid about Rs. 45 per month with effect from the date of expiry of the last agreement between the workers ana' the management on 1st of January, 1986, whichever is earlier, till the admission of the final award. The Government has approved the recommendations in toto.

I am sorry, I just want to correct one little thing that I have said. These recommendations will only be for the factory workers.

SHRI A. G. KULKARNI: What about the cart-men bringing sugarcane? The condition of these people is very vulnerable. Just now you said they will be covered. Now you say they are not covered. Factory is factory and the cart-men works in the fleld bringing sugar cane. They are also employed by the sugar factory.

MR. CHAIRMAN: Will you see if anything is possible for them also?

SHRI JAGDISH TYTLER: He himself has given a very good suggestion. In case their case ig not included, I will send it to the concerned....

श्री चतुरानन मिश्र : सभापति महोदय, मैं मंत्री महोदय से यह जानना चाहता हूं कि यह वेज बोर्ड का डिसिजन हो भी जाय तो क्या यह बाइंडिंग है कि वह लाग होगा । हम लोग जो मजदूर आन्दोलन चलाते हैं उनके सामने यह एक बड़ी समस्या है । एक बार हम वेज बोर्ड बैठाने के लिये हड़ताल करते हैं फिर तीन साल इस पर जल्दी फैसला लेने के लिये हड़ताल करते हैं और इसके बाद हम इम्पलीमेंटेशन के लिये हड़ताल करते हैं । इसलिये मैं मंत्री महोदय से यह जानना चाहता हूं कि जब बाइंडिंग नहीं है तब काहे को आप यह खेल रच रहे हैं ? दूसरी बात यह है कि क्या यह सच नहीं है कि वेज बोर्ड ने जो इंटेरिम रिलीफ दिया है या यह लागू नहीं है । मैं मंत्री महोदय से एस्पेसेफिकली पूछना चाहता हूं कि बिहार का जो सरकारी क्षेत्र का बिहार चीनी निगम है उसमें जो इंटेरिम रिलीफ दिया गया है उससे भी घटा कर के फिक्स किया है और वह भी अभी तक लाग नहीं किया गया है ; क्या मंत्री महोदय यह बतायेंगे कि यह इंटेरिम रिलीफ अभी तक उनको क्यों नहीं दिया गया है तथा जो भी फैसला हो उसको लागू किया जाय, इसके लिये क्या कोई कानून बनायेंगे । इन दो सवालों पर मैं स्पष्ट उत्तर चाहता हूं ।

SHRI JAGDISH TYTLER: It is not that, Sir. He is saying something about Bihar. I would like to inform the hon. Member that for neutralisation factor of the wages of the workers 115 per cent is the neutralisation factor as far as Bihar is concerned. ----(Interruptions)...

आप मेरा पूरा जवाब सुनने के बाद बोलना । (व्यवधान)

श्री सभापति : आप सुनिये तो सही ।

श्री चतुरानन मिश्र : मैंने स्पेसेफिक सवाल पूछा था कि इनका डिसिजन बाइंडिंग है या नहीं ?

SHRI JAGDISH TYTLER: We send it *to* the State Governments. It is for the State Governments to see that they are implemented,

SHRI CHATURANAN MISHRA: Then, why do you take time here? If it is for the State Governments, then, why do you spoke your nose there? Leave it there.

Second part of my question was that interim relief has been given and it has not been implemented. The Government has miserably failed to do anything.

SHRI JAGDISH TYTLER: It is for the State Government...

SHRI CHATURANAN MISHRA.: Then, why do you come into the picture?,

MR. CHAIRMAN: In order to help the workers.

SHRI CHATURANAN MISHRA: Sir, as you know, sugar comes under the Central sector whereas sugarcane comes in the State sector. Mr. Kulkarni has rightly pointed out that you have not covered those who ar* cutting sugarcane under this scheme. It Is a very relevant question. I do not know why the Government is not doing anything for them.

श्री सभापति : आप दूसरा अमेंड ले आइये । (व्यवधान)

श्री चतुरानन मिश्र : आप कह रहे हैं अमेंडमेंट ले आइये, अगर हमारे पास

इतने वोट रहते तो इनको हटा कर के हम आने ही नहीं देते। यह बात आप काहे को कह रहे हैं... (व्यवधान)

श्री सभापति : यह अच्छी बात है पार्टी में... (व्यवधान)

श्री चतुरानन मिश्र : अगर होता तो रोना काहे का होता। फिर हम सप्लीमेंटरी ही क्यों पूछते अपने आप ही कर के चलते। मंत्री जी अब श्रम विभाग में चले गये हैं इसलिये श्रमिकों के बारे में भी कुछ सोचें और जो भी फैसला हो वह लागू किया जाय इसके लिये क्या कोई कानून सरकार बनायेगी।

SHRI JAGDISH TYTLER: We will do everything possible.

MR. CHAIRMAN: Within the Constitution. Q. No. 442.

Setting up of special courts under the Employees' Provident Fund Act

442. SHRI HARVENDRA SINGH HANSPAL: f SHRI D. B. CHANDRE GOWDA:

Will the Minister of LABOUR be pleased to state

(a) whether Government propose to set up special courts to try the disputes under the Employees' Provident Fund Act in the Country;

(b) if so, what are the details of the places in which these courts would be set up; and

(c) to what extent the disputes would be solved quickly as a result thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI RADHAKISHAN MALAVIYA): (a) and (b) The Central Board of Trustees, Employees' Provident Fund had, at

tThe question was actuiMr asked on the floor of the House by Shri Harvendra Singh Hanspal.

its meeting held on 16th February, 1988 approved a proposal for meeting the exenditure on two Special Courts, which may be set up in West Bengal for trial of offences committed under the EPF Act and the schemes framed thereunder. The Trustees had also decided that similar court may be set up in Maharashtra and Bihar, where there was a large pendency of casts;

(c) The Special Courts are expected to ensure speedy disposal of provMent, find cases.

श्री हरवेन्द्र सिंह हंसपाल : सभापति महोदय, जब कोई सवाल यहां किया जाता है तो उसका मतलब यह है कि गवर्नमेंट उस में मेक्सीमम इनफोरमेशन हाउस को दे लेकिन जो इनफारमेशन मंत्री महोदय ने पढ़ कर सुनाई है उससे कहीं ज्यादा 17 फरवरी के अखबारों में छप चुकी है इन्होंने कहा कि फैसला हो गया है। सेंट्रल बोर्ड आफ ट्रस्टीज ने 16 फरवरी को किया है कि कोर्ट सेट अप कर दिये जायेंगे लेकिन यह तो हमने 17 फरवरी को पढ़ लिया था। मैं जानना चहता हूं... (व्यवधान)

श्री जगदम्बी प्रसाद यादव : श्रीमन्... (व्यवधान)

श्री हरवेन्द्र सिंह हंसपाल : सवाल करें तो मैं बैठ जाता हूं कि मैं बाद में पूछ लूंगा।

श्री अटल बिहारी वाजपेयी : वेरिटायर हो रहे हैं। थोड़ा सा ख्याल करिये।

श्री हरवेन्द्र सिंह हंसपाल : आई एम सारी अगर आपकी फीलिंग यह कहने से हर्ट हो गयी हों।

तो महोदय, ठीक से स्पेशल कोर्ट के लिये फैसला हो गया है कि ये सेट अप कर दिये जायेंगे लेकिन मैं जानना चाहता हूं कि कब तक कर दिये जायेंगे, कब से ये काम शुरू करेंगे। फिर "सी" के जवाब में कह दिया कि स्पेशल कोर्टस इसलिये बनाई जा रही है